

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

DONNA CURLING, *et al.*

Plaintiffs,

v.

BRAD RAFFENSPERGER, *et al.*,

Defendants.

CIVIL ACTION

FILE NO. 1:17-cv-2989-AT

**STATE DEFENDANTS' NOTICE OF
POTENTIAL WITNESSES FOR HEARING**

By email to all counsel of record from the Court's law clerk on Friday, August 21, the Court requested a filing on the docket by 5:00 p.m. today regarding the list of witnesses State Defendants anticipate calling for live testimony at the upcoming hearing on Plaintiffs' three preliminary injunctions, two of which have been filed and the third that will be filed today.

As was discussed on the call on Friday, State Defendants do not believe that having live witnesses will be useful for the Court or the parties, especially because this is the fourth round of preliminary injunctions in this case and the hearing will be conducted on a virtual platform. Similar to the Court's direction about briefing on the pending motions, to avoid an

unnecessary cycle of repetition, State Defendants continue to urge that the Court should decide this case on the filed evidence. Prior preliminary-injunction hearings in this case have run well beyond the estimated time, particularly when Plaintiffs are presenting their evidence.

If this Court proceeds with live witnesses, State Defendants anticipate calling the following witnesses for live testimony at the preliminary-injunction hearing, depending on the evidence produced by Curling Plaintiffs in their reply in support of their Motion for Preliminary Injunction [Doc. 785]:

1. Donna Curling;
2. Donna Price;
3. Jeffrey Schoenberg; and
4. Louis M. Franzoni, Jr.

State Defendants do not anticipate calling any live witnesses in response to Coalition Plaintiffs' Motion for Preliminary Injunction on Paper Pollbook Backups [Doc. 800].

State Defendants cannot yet say which witnesses they would anticipate calling to respond to the as-yet-unfiled motion from Coalition Plaintiffs about a litany of issues not included in their motion regarding paper pollbooks.

State Defendants cannot currently confirm whether any Secretary of State staff will be available on the dates set for the Zoom hearing, especially

given the timeline for building ballots and making other preparations for the November election. State Defendants will do their best to accommodate any requests for staff of the Secretary's office to appear at the hearing.

Respectfully submitted this 24th day of August, 2020.

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CERTIFICATE OF COMPLIANCE

Pursuant to L.R. 7.1(D), the undersigned hereby certifies that the foregoing **STATE DEFENDANTS' NOTICE OF POTENTIAL WITNESSES FOR HEARING** has been prepared in Century Schoolbook 13, a font and type selection approved by the Court in L.R. 5.1(B).

/s/ Bryan P. Tyson
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